A BILL FOR AN ACT

To authorize the issuance of licenses to, to require establishment of licensing and practice regulations for, health services personnel in the Federated States of Micronesia, to establish a Federated States of Micronesia Health Services Board of Licensure and to appropriate funds thereof, to repeal sections 152, 153, 154, and 156 of title 63 of the Trust Territory Code, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

Section 1. Short title. This act shall be known and may be cited as "The Health Services Licensure Act."

Section 2. Definitions. As used herein unless otherwise indicated by the context:

1. "Board" means the Federated States of Micronesia Health Services Board of Licensure.

2. "President" means the President of the Federated States of Micronesia.

3. "Secretary of Social Services" means the Secretary of the Department of Social Services of the Federated States of Micronesia.

Section 3. Establishment of regulations required and licensure of Health Services personnel authorized.

1. The Secretary of Social Services pursuant to the provisions of section 16 of this act, shall establish regulations which set forth licensing and practicing standards for persons desiring to practice, or persons practicing, medicine, surgery, dentistry, nursing, and other health related services in the Federated States of Micronesia.

2. All persons are prohibited from practicing such professions in the Federated States of Micronesia, except in an apprentice capacity under approved supervision, unless duly licensed or certified by the President of the Federated States of Micronesia as hereby authorized and in accordance with the licensing standards as set forth in the regulations promulgated
hereunder.

Section 4. Record of license. A permanent record of each
license issued and each license renewed in accordance with the
provisions of this act shall be maintained in a registry by
the Division of Health Services, Department of Social Services,
Federated States of Micronesia.

Section 5. Existing Trust Territory licenses. Any health
services related license issued pursuant to the authority of
section 152 of chapter 3 of title 63 of the Trust Territory
Code and in effect on the effective date of this act shall
remain valid in the Federated States of Micronesia until its
expiration date, upon which time the licensing requirements of
this act and regulations promulgated hereunder shall be complied
with.

Section 6. Revocation or suspension of license. Any license
issued or in effect pursuant to the provisions of this act may
be revoked or suspended for cause by the Secretary of Social
Services after due notice to the licensee, in writing, of the
charges that have been made, and the time and place where evidence
in support of the same will be heard, PROVIDED, that the licensee
shall have had the opportunity to present evidence and be heard in
his own defense.

Section 7. Federated States of Micronesia Health Services
Board of Licensure. There is hereby established a Federated States
of Micronesia Health Services Board of Licensure. There shall be
1. Five Board members consisting of two physicians, one dentist,
2. one nurse, and one sanitarian. The Board members shall be appointed
3. by the President of the Federated States of Micronesia from names
4. submitted to him as follows:

5. (1) The State Director of Health Services of each
6. State shall obtain from the licensed physicians practicing in his
7. State the name of one licensed physician practicing in his State
8. representing their choice as a candidate for Board membership and
9. shall thereafter forward the name to the President.

10. (2) The State Director of Health Services of each State
11. shall obtain from the licensed dentists practicing in his State the
12. name of one licensed dentist practicing in his State representing
13. their choice as candidate for Board membership and shall thereafter
14. forward the name to the President.

15. (3) The State Director of Health Services of each State
16. shall obtain from the licensed nurses practicing in his State the
17. name of one licensed nurse practicing in his State representing
18. their choice as candidate for Board membership and shall thereafter
19. forward the name to the President.

20. (4) The State Director of Health Services of each State
21. shall obtain from the licensed sanitarians practicing in his State
22. the name of one licensed sanitarian practicing in his State re-
23. presenting their choice as candidate for Board membership and shall
24. thereafter forward the name to the President.

Section 8. Duties and functions of the Board. The duties
and functions of the Board shall be as follows:

(1) To advise and assist the Secretary of Social Services in carrying out his duties under subsection (1) of section 3 of this act;

(2) To examine, study, review, and make recommendations with respect to the issuance, renewal, suspension, or revocation of licenses issued or in effect pursuant to the provisions of this act in such manner as determined by regulations promulgated hereunder; and

(3) To perform such other and further duties and functions as may be assigned to it by the President, Secretary of Social Services, or by law.

Section 9. Tenure of Board members.

(1) The members of the Board shall serve terms of four years; PROVIDED, however, that when the Board is first appointed, three members shall serve for a term of two years and two for a term of four years from the date of their appointment.

(2) The terms of the respective members shall be determined by drawing lots at the initial meeting of the Board. Vacancies shall be filled for unexpired terms by the Secretary of Social Services from the names submitted in accordance with the provisions of section 7 of this act.

Section 10. Organization of meetings. The members of the Board shall elect their own officers in a manner and for such times as shall be determined by the Board. The chairman shall have no
vote except in the event of a tie, in which case he shall cast
the tie-breaking vote. Three members of the Board shall constitute
a quorum. The Board shall meet at such places within the Federated
States of Micronesia and at such times as the chairman of the
Board may designate, and in accordance with regulations promulgat-
ed hereunder. Special meetings may be called by the President or
the Secretary of Social Services.

Section 11. Expenses and compensation of Board members.

Members of the Board shall be entitled to necessary travel expenses
and to per diem at standard Federated States of Micronesia rates
while on the business of the Board. Board members who are neither
employees nor officials of the National Government of the Federated
States of Micronesia or any State government shall, in addition,
be paid $30 per day while on the business of the Board. If a
member of the Board is concurrently employed in another post in
the Federated States of Micronesia National Government, he shall
be granted leave to attend the business of the Board, and shall
receive his regular salary while on the business of the Board.

Section 12. Civil liability immunity. All members of the
Board and its invited experts, specialists, and consultants, shall
be immune from civil liability for any written or oral statement
made to the Board pursuant to any official Board proceeding.

Section 13. Appropriation.

(1) Subject to the reporting requirements contained
herein, the sum of $7,200, or so much thereof as may be necessary,
is hereby appropriated from the General Fund of the Federated States of Micronesia for the purpose of defraying the operating and contingent expenses of the Board for fiscal year 1982.

(2) The sum appropriated by subsection (1) of this section shall be allotted by the Federated States of Micronesia Secretary of Finance to the President of the Federated States of Micronesia, or his designee, who shall be responsible for ensuring that these funds are used in accordance with Public Law No. 1-45, as amended, and for the purpose specified in subsection (1) above, and that no obligations are incurred in excess of the sum appropriated.

(3) Any part of the sum appropriated by subsection (1) of this section not obligated as of September 30, 1982, shall revert to the General Fund of the Federated States of Micronesia.

(4) The allottee specified in subsection (2) of this section shall submit detailed reports to the Congress of the Federated States of Micronesia as provided in Public Law No. 1-45, as amended.

Section 14. Penalty. A person who violates any of the provisions of this act or regulations promulgated hereunder shall be deemed guilty of a crime and, upon conviction thereof, shall be fined not more than $1,000 dollars or imprisoned for not more than one year, or both.

Section 15. Repealer. Sections 152, 153, 154, and 156 of chapter 3 of title 63 of the Trust Territory Code and rules and
1 regulations issued and promulgated thereto insofar as they
2 apply to the National Government of the Federated States of Micronesia, are hereby repealed in their entirety.
3
4 Section 16. Regulations. The Secretary of Social Services,
5 upon approval by the President, is hereby authorized to issue and
6 promulgate regulations implementing the provisions of this
7 act, which regulations shall have the force and effect of law.
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9 Section 17. Effective date. This act shall become law
10 upon approval by the President of the Federated States of Micronesia
11 or upon its becoming law without such approval.

12 Date: NOVEMBER 8, 1981 Introduced by: Luke M. Tuman
13 (By request)